Remarks

Claims 1-3, 5-23 and 26-28 are pending. Claims 1, 11, 15, 23 and 28 have been amended. Claims 29-31 are new. No new matter has been added. Applicants assert that all claims are in condition for allowance as set forth more fully below.

Interview Summary

A phone interview was conducted on September 7 between Examiner Chankong and Arno Naeckel. At that time, it was discussed that the disclosure in the specification included application 09/343,815 which discusses the TechNet and CAS systems in detail and had been incorporated by reference in its entirety. Further, the previous amendments were discussed and specific alternative language was proposed that would overcome the cited references as was determined in the February 8, 2006 interview. Upon concluding, indication was received that the revised language would probably address the Examiner's concerns. The Examiner requested that the amendments be submitted in writing for his consideration.

112 Rejections

Claims 1-3, 5-16 and 19-22 are rejected under 35 U.S.C. §112, first Paragraph, as containing subject matter not described in the specification in such a way as to reasonably convey that at the time of application, the applicant had possession of the claimed invention. Claims 1-16 and 19-22 are also rejected under 35 U.S.C. §112, second paragraph for failing to point out and distinctly claim the subject mater which the applicant regards as his invention by utilizing a negative recitation.

The Office Action does not reject claims 17, 18, 23 or 28 under §112 first or second paragraphs. As claims 17, 18, 23 and 28 contain similar language as rejected independent claims 1, 11 and 15, Applicants assume that the Office Action intended to reject claims 17 and 18 and independent claims 23 and 28 on the same grounds.

Independent claims 1, 11, 15, 23 and 28 have been amended with the language discussed in the interview that removed the negative recitation. As an exemplary sample, amended independent claim 1 recites in pertinent part:

"A system for permitting a user to access data on a legacy system and an intranet... wherein the data at the legacy system is <u>formatted in a legacy</u> based <u>protocol that is incompatible with communication via an internet browser</u> both at the legacy system and when being communicated to the user."

Support for the amended language can be found throughout the specification and in US Pat. App. 09/343,815 (now Pat. 6,738,815). Specifically, paragraphs 0003 and 0040 state that technicians can only access legacy information using custom software (i.e. not a web browser) and that they must remain logged into the TechNet system and toggle between the web browser and the TechNet system to access web formatted data and legacy (TechNet) formatted data, respectively (i.e. the legacy data can not be transmitted over the web browser. If it could, the web browser would then destroy any need for the TechNet system).

In addition, the referenced patent application states that the Craft Access System/TechNet provides access to the legacy systems (Col. 1-3). Further, Mobitex is disclosed as a transmission protocol between the TechNet interface and the user's laptop. (Col. 6, l. 23-26).

103 Rejections

Claims 1, 6, 11 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis, Jr. et al. (US Pat. No. 6, 738,815) in view of Profit, Jr. et al. (US Pat. No. 6,636,831). Claims 1, 6, 11 and 13 are also rejected as being unpatentable over Willis in view of Breneman (US Pat. 5,974,135).

Claims 2, 3, 7, 14, 15-17 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis and Profit and further in view of Stone et al. (US Pat. No. 6,101,510).

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis in view of Butts et al. (US Pat. No. 6,233,541).

Claims 8, 9, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis in view of Devine.

Claims 18 and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis and Stone in view of Devine et al., (US Pat. No. 6,598,167).

Claims 23 and 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Profit in view of Stone, in further view of Fortier, Jr. et al, (US Pat. Publ. No. 2003-0023601).

Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Device, Profit and Stone and further in view of Fortier.

Applicants respectfully traverse these rejections.

The Office Action Summary indicates that claim 10 has also been rejected. However, the Detailed Action apparently omits any discussion concerning the grounds for rejecting claim 10. As such, Applicants are unable to address the Examiner's grounds for rejecting claim 10, if any, and *assert that claim 10 contains allowable subject matter upon withdrawal of the §112 rejection.* Moreover, if another Office Action is required after receipt of this response, Applicants respectfully submit that the Office Action be made non-final since claim 10 was not examined in view of the cited references.

<u>Claims 1-3 and 5-14</u>

The Office Action rejects independent claims 1 and 11 by asserting that Willis teaches all of the claimed elements with the exception that the protocol server bypasses the transaction server by directing communications from the computer to the intranet. The Office Action proceeds by asserting that each of Profit and Breneman independently cures the conceded deficiency of Willis.

Currently amended independent claim 1 actually recites, in pertinent part:

"[a] system for permitting a user to access data on a legacy system and an intranet…wherein the system interface is adapted to direct communications from the computer from the at least one network address to a separate network address corresponding to the intranet that is distinct from the legacy system *by the protocol server, bypassing the transaction server by directing communications from the computer directly to the intranet and wherein the data at the legacy system is formatted in a legacy based protocol that is incompatible with communication via an internet browser both at the legacy system and when being communicated to the user.*"

The Office Action asserts that Profit cures the deficiency of Willis, teaching a protocol server bypassing the transaction server by directing the communication from the computer directly to the intranet. (Col.6, l.32-51). However, the citation does not support that assertion. The cited language in Profit actually describes a system that

provides ERP data (i.e. legacy system data) from the legacy system to an intranet or internet (which is not shown in Fig. 1) by a server suite (i.e. a protocol server) after the ERP information has been converted to a browser readable format useable by the server suite by the middleware (i.e. a transaction server) in response to a internet information request from a web client. Such language is contrary to the amended claim recitation. The cited language does not teach directing communications from the computer directly to the intranet and wherein the data at the legacy system is formatted in a legacy based protocol that is incompatible with communication via an internet browser both at the legacy system and when being communicated to the user.

In the alternative, the Office Action asserts that Breneman also cures the deficiency of Willis by disclosing a system for providing a single interface for concurrently accessing disparate systems, such as an intranet and legacy systems. However, the Office Action's citations in support of the assertion do not disclose or teach "directing communications from the computer from the at least one network address to a separate network address corresponding to the intranet that is distinct from the legacy system *by the protocol server,* bypassing the transaction server by directing communications from the computer directly to the intranet"....

The Office Action appears to be equating the claimed computer to the TS manager workstation **201,** the claimed transaction server to the Terminal Emulation Module **307** and the claimed protocol server to the Hypermedia Browser Module **304.** Breneman teaches that Hypermedia Browser Module **304** is a software browser object supplied by Internet Explorer and not a server as asserted by the Office Action. (Col. 9, l. 4-15). Hypermedia Browser Module **304** is merely a web browser object launched by the TS manager **201** that retrieves data from the Hypermedia Server **260** (i.e. a database/storage server). In short, Breneman merely teaches a workstation **201** with a GUI **325** that can directly access legacy systems **232** through an emulation module **307** or separately launch a web browser **304** that accesses a private database **260.** Hypermedia Browser Module **304** is not a protocol server that "direct[s] communications from the computer from the at least one network address to a separate network address corresponding to the intranet". There is no directing or diversion from one address to another. As such, Breneman fails to disclose the subject mater asserted to it.

As noted above in the interview summary, Applicants respectfully submit that neither the combination of Willis and Profit nor Willis and Breneman disclose or suggest all of the elements of amended independent claims 1 and 11. As such independent claims 1 and 11 are allowable over both combinations of Willis/Profit and Willis/Breneman for at least these reasons. Dependant claims 2-3, 5-10 and 12-14 depend from an allowable independent claim 1 or 11 and are also allowable for at least the same reasons.

Claims 2, 3, 7, 14, 15-22

Claims 2, 3, 7, 14, 15-17 and 19 are currently rejected as being unpatentable under the combination of Profit, Willis and Stone. Amended independent claim 15 includes similar recitations to those recited in amended independent claims 1 and 11. As discussed above, claims 2, 3, 7 and 14 depend from an allowable independent claim 1 or 11.

As a representative sample, amended independent claim 15 recites, in pertinent part:

"A method for accessing data…bypassing the transaction server by directing communications from the computer directly to the intranet upon detecting the launch of the browser at the computer and wherein at least some of the data on the legacy system is formatted in a legacy based protocol that is incompatible with communication via an internet browser both at the respective legacy system and when being communicated to the user."

As discussed above in regard to amended independent claims 1 and 11, the combination of Willis and Profit merely disclose that the middleware doing conversion of legacy data to web based data so that the server suite provides the web content. As such, the combination of Willis and Profit provides <u>no disclosure</u> of the above recitations. Further, the Stone reference is relied upon by the Office Action as teaching the launch of a browser in response to a command from the systems interface. (See Office Action dated December 19, 2005). Stone concerns itself with web browser control and therefore does not address the deficiencies of Willis and Profit either.

Thus, Applicants respectfully submit that the combination of Willis, Stone and Profit fails to disclose all of the claimed elements and that the claimed elements are not

suggested by any of the cited references individually or in combination. Amended independent claim 15, like amended independent claims 1 and 11, is therefore allowable over the cited art for at least these reasons. Dependant claims 16-22 depend from an allowable claim 15 and are also allowable for at least the same reasons.

Claims 23 and 26-27

Claims 23 and 26-27 are currently rejected as being unpatentable under the combination of Profit, Stone and Fortier. Amended independent claim 23 includes similar recitations to those recited in amended independent claims 1, 11 and 15.

As a representative sample, amended independent claim 23 recites, in pertinent part:

"A computer-readable medium having instructions for performing acts… communicating with both the at least one network address and the separate network address such that communication with the legacy systems and the intranet is maintained concurrently and wherein at least some of the data on the legacy system is formatted in a legacy based protocol that is incompatible with communication via an internet browser both at the respective legacy system and when being communicated to the user."

Profit, on the other hand, discusses the middleware converting legacy data to web based data so that the server suite provides the web content. (Abstract). Fortier discusses the conversion of one system protocol to another using a plurality of translation objects. (Para. [0003]). As such, there is no disclosure of the above claim recitations nor would one of ordinary skill in the art find motivation to combine the cited references because neither Profit nor Fortier discloses that communication with both the legacy systems and the intranet is maintained concurrently and wherein at least some of the data on the legacy system is formatted in a legacy based protocol that is incompatible with communication via an internet browser both at the respective legacy system and when being communicated to the user.

Applicants respectfully submit that since such a recitation is neither disclosed nor suggested by any of the cited references individually or in combination, that claim 23 is therefore allowable over the cited art for at least these reasons.

Dependant claims 26-27 depend from an allowable claim 23 and are also allowable for at least the same reasons.

<u>Claim 28</u>

Claims 28 is currently rejected as being unpatentable under the combination of Devine, Profit, Stone and Fortier. Amended independent claim 28 includes similar recitations to those recited in amended independent claims 1, 11, 15 and 23.

As a representative sample, amended independent claim 28 recites, in pertinent part:

"[a] system for permitting a user to access data…wherein the computer is running application-specific client software to access the information from legacy systems …wherein the data at the legacy system is formatted in a legacy based protocol that is incompatible with communication via an internet browser both at the respective legacy system and when being communicated to the user."

Each of the cited references discloses that information, legacy or otherwise, is received by the user over the internet. (Devine-Col. 7, l. 4-15; Profit-abstract; Fortier – Para. [0003], Stone-abstract). Therefore, all legacy data must be necessarily be translated into a web-compatible protocol when being communicated to the user. As such, the references all disclose subject matter that is contrary to the amended claim recitations.

As such, Applicants respectfully submit that all elements of the claim recitation are neither disclosed nor suggested by any of the cited references individually or in combination and that claim 28 is therefore allowable over the cited art for at least these reasons.

<u>Conclusion</u>

Applicants assert that the application including claims 1-3, 5-23, and 26-28 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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